## United States District Court, Northern District of Illinois

				Sitting Judge if Other		<del></del>			
Name of Assigned Judge or Magistrate Judge		Milton	[. Shadur ——————	than Assigned Judge		<u> </u>			
CASE NUMBER		03 C	2468	DATE	7/9/2	2003			
CASE TITLE			Ann Frances Gelso vs. Michael Sheahan, et al						
[In the following box (a) indicate the party filing the motion, e.g., pla of the motion being presented.]					endant, 3rd party plaintiff, and	l (b) state briefly the nature			
DOC	CKET ENTRY:								
(1)	☐ Filed	Filed motion of [use listing in "Motion" box above.]							
(2)	□ Brief	Brief in support of motion due							
(3)	□ Answ	Answer brief to motion due Reply to answer brief due							
(4)	□ Rulin	Ruling/Hearing on set for at							
(5)	☐ Statu	Status hearing[held/continued to] [set for/re-set for] on set for at							
(6)	☐ Pretri	Pretrial conference[held/continued to] [set for/re-set for] on set for at							
(7)	☐ Trial[	Trial[set for/re-set for] on at							
(8)	□ [Bend	[Bench/Jury trial] [Hearing] held/continued to at							
(9)		This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]  ☐ FRCP4(m) ☐ Local Rule 41.1 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).							
(10) [Other docket entry] Enter Memorandum Order. With those admissions and that denial having properly addressed the corresponding Complaint allegations are meaningless surplusage as well, and are accordingly stricken from the Answer. All that will remain in each instance is the admission or denial of the complaint's allegations, as the case may be.									
(11)	) 📜 iFort	further detail see orde	r attached to the origin	inal minute order.l					
	No notices required,	advised in open court.				Document			
	No notices required.				number of notices	Number			
<u> </u>	<b>→</b>				JUL 10 2003				
Notified counsel by telephone.  Docketing to mail notices.				stays docketed	10				
Mail AO 450 form.			No. 1	. <b>-</b> :c:0	theketing deadly initials				
	Copy to judge/magistrate judge.		couri	TOIRTEIG 2"	7/9/2903				
SN d		courtroom deputy's initials	Date/time	Leccived in 19 11:3	date mailed notice  SN  mailing deputy initials				

## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

ANN FRANCES GELSO,	)			DOCKETED
Plaintiff,	)			
v.	) ) }	No.	03 C 2468	JUL 1 0 2003
MICHAEL SHEAHAN, SHERIFF OF COOK COUNTY, IN HIS OFFICIAL CAPACITY AND INDIVIDUAL CAPACITY, JAMES RYAN, OFFICER MOSS, OFFICER MOSLEY LT. QUEEN,	) ) ;,) ;			
Defendants.	)			

## MEMORANDUM ORDER

When defense counsel submitted a proposed Answer to the 42 U.S.C. §1983 Complaint brought against them by Ann Gelso ("Gelso"), this Court denied that motion on purely procedural grounds, pointing out orally a number of respects in which the proposed Answer was at odds with some basic principles of federal pleading. Now defense counsel has come up with a revised Answer, but this memorandum order is issued sua sponte to address a flaw that remains in that new response.

Each of Complaint  $\S\S2$ , 13 and 14 is responded to with something that begins in this manner:

Objection. Calls for legal conclusion.

Answer ¶2 then goes on to refer to that legal conclusion as relating to the construction of the statute cited in Complaint ¶2, while the other two responses characterize the conclusion as being "as to the specifics and the scope of defendants' duties



under the law." But then having done that, Answer ¶2 goes on to admit the allegations of Complaint ¶2, while Answer ¶¶13 and 14 admit the corresponding Complaint allegations as to defendant Sheriff Michael Sheahan, and to deny those allegations as to the Sheriff's Director of Operations James Ryan.

With those admissions and that denial having properly addressed the corresponding Complaint allegations (see Fed. R. Civ. P. 8(b)), the purported objections (which are really irrelevant as a matter of law, see App. ¶2 to State Farm Mut. Auto. Ins. Co. v. Riley, 199 F.R.D. 276, 278 (N.D. Ill. 2001)) are meaningless surplusage as well, and are accordingly stricken from the Answer. All that will remain in each instance is the admission or denial of the Complaint's allegations, as the case may be.

Milton I. Shadur

Senior United States District Judge

Date: July 9, 2003